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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 TOBY J. MASSE,

12 Plaintiff,

13 v.

14 DOUG WADDINGTON, *et al.*,

15 Defendants.

Case No. C07-5715 BHS/KLS

AMENDED PRETRIAL
SCHEDULING ORDER

16 Before the Court is Plaintiff's motion for a ninety day extension of the discovery deadline.
17 Dkt. # 38. Defendants do not oppose the requested extension, but ask that it apply to all parties and
18 that the dispositive motion and joint status deadlines be extended adjusted accordingly. Dkt. # 39.

19 The Court finds that Plaintiff's motion (Dkt. # 38) should be **GRANTED** and the following
20 Amended Pretrial Scheduling Order is hereby **ORDERED**:

21 **DISCOVERY**

22 All discovery shall be completed by **March 6, 2009**. Service of responses to interrogatories
23 and to requests to produce, and the taking of depositions shall be completed by this date. Federal
24 Rule of Civil Procedure 33(b)(3) requires answers or objections to be served within **thirty (30)**
25 **days** after service of the interrogatories. The serving party, therefore, must serve his/her
26 interrogatories at least **thirty (30) days** before the deadline in order to allow the other party time to
27

1 answer.

3 MOTIONS

4 Any dispositive motion shall be filed and served on or before **June 5, 2009**. The motion
5 shall include in its caption (immediately below the title of the motion) a designation of the Friday
6 upon which the motion is to be noted upon the court's calendar. That date shall be the fourth Friday
7 following filing of the dispositive motion. All briefs and affidavits in opposition to any motion
8 shall be filed and served not later than 4:30 p.m. on the Monday immediately preceding the Friday
9 appointed for consideration of the motion. If a party fails to file and serve timely opposition to a
10 motion, the court may deem any opposition to be without merit. The party making the motion may
11 file a reply to the opposing party's briefs and affidavits, which also shall be filed and served
12 pursuant to the requirements of Fed. R. Civ. P. 7 and Local Rule CR 7.

13 If a motion for summary judgment is filed, it is important for the opposing party to note the
14 following:

15 A motion for summary judgment under Rule 56 of the Federal Rules of Civil
16 Procedure will, if granted, end your case.

17 Rule 56 tells you what you must do in order to oppose a motion for summary
18 judgment. Generally, summary judgment must be granted when there is no genuine
19 issue of material fact -- that is, if there is no real dispute about any fact that would
20 affect the result of your case, the party who asked for summary judgment is entitled
21 to judgment as a matter of law, which will end your case. When a party you are
22 suing makes a motion for summary judgment that is properly supported by
23 declarations (or other sworn testimony), you cannot simply rely on what your
24 complaint says. Instead, **you must set out specific facts in declarations,
deposition, answers to interrogatories, or authenticated documents, as provided
in Rule 56(e), that contradict the facts shown in the defendant's declarations
and documents and show that there is a genuine issue of material fact for trial.
If you do not submit your own evidence in opposition, summary judgment , if
appropriate, may be entered against you. If summary judgment is granted,
your case will be dismissed and there will be no trial.**

24 *Rand v. Rowland*, 154 F.3d 952, 962-963 (9th Cir. 1998) (emphasis added). Furthermore, Local
25 Rule CR 7(b)(4) states that a party's failure to file necessary documents in opposition to a motion
26 for summary judgment may be deemed by the court to be an admission that the opposition is
27 without merit.

JOINT STATUS REPORT

Counsel and *pro se* parties are directed to confer and provide the court with a joint status report by no later than **August 7, 2009**. The joint status report shall contain the following information by corresponding paragraph numbers:

1. A short and concise statement of the case, including the remaining legal and factual issues to be determined at trial;
2. A narrative written statement from each party setting forth the facts that will be offered by oral or written documentary evidence at trial;
3. A list of all exhibits to be offered into evidence at trial;
4. A list of the names and addresses of all the witnesses each party intends to call along with a short summary of anticipated testimony of each witness.
5. Whether the parties agree to arbitration or mediation under this district's arbitration program, and if so whether the arbitration will be final and conclusive or the right to trial de novo will be preserved (see Local Rule CR 39.1(d));
6. Whether the case should be bifurcated by trying the liability issues before the damages issues, or specially managed in any other way;
7. Any other suggestions for shortening or simplifying the trial in this case;
8. The date the case will be ready for trial, considering Local Rule CR 16 deadlines;
9. The dates on which trial counsel are unavailable and any other complications to be considered in setting a trial date;
10. Whether the trial will be by jury or non-jury;
11. The number of trial days required, and suggestions for shortening trial;
12. The names, addresses, and telephone numbers of all trial counsel and unrepresented (*pro se*) parties who intend to appear at trial.

If the parties are unable to agree on any part of the report, they may answer in separate paragraphs. **Separate reports are not to be filed.** Plaintiff's counsel (or plaintiff, if *pro se*) will be responsible for initiating communications for the preparation of the joint status report.

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